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July 26, 2021

Via Email
Counsel for Defendants

Re: WSOU Investments, LLC v. Dell Technologies Inc., et al., Case No. 6:20-cv-00477 (W.D. Tex.)

Counsel:

We write in response to your July 13, 2021 letter. In a prior letter, we addressed your concerns on the case schedule on prior art and claim narrowing. We now specifically address your request to stay the case in light of an IPR recently granted.

Your request to stay the case is surprising and unprecedented. As Defendants are aware, Judge Albright does not grant stays pending IPRs. If Dell is aware of any Judge Albright case reaching a contrary conclusion, we are happy to consider it.

Since the Defendants are interested in preserving Court resources, prudence here dictates not engaging in unnecessary motion practice that seeks to change Judge Albright's already-established precedent. The facts here simply do not justify encumbering Judge Albright's court. For example, as you aware, the defendants waited nearly seven months after the suit was filed. Moreover, Judge Albright is fully aware of the meaning of granted institutions on patents. They do not, as you suggest, mean the "the PTO has determined [the patent] is likely invalid."

Cordially,

/s/ Ryan S. Loveless

Ryan S. Loveless